

Notice of Allowability

Application No.

09/528,986

Examiner

Mark Ruthkosky

Applicant(s)

SUGITA, NOBUAKI

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/9/2004.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 20 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mark Ruthkosky
8/31/2004

DETAILED ACTION

Rejections

The rejection of claims 1-8 under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wakabe et al. (US 6,136,464) is withdrawn.

The rejection of claims 1-2 and 4-5 under 35 U.S.C. 103(a) as being unpatentable over JP 07022013 A is withdrawn.

Allowable Subject Matter

Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance:

The instant claims are allowed for reasons indicated in the DECISION ON APPEAL before the Board of Patent Appeals and Interferences of 6/29/2004.

The instant claims are to a sealed battery comprising a generator element that is an electrode group impregnated with electrolyte; and external casing that has an opening and encloses the generator element; a closure cap for sealing the opening, the closure cap having a gas release valve that is formed by covering a gas release hole in the closure cap with a thin film; and a shielding member that is located between the thin film and the generator element to protect the thin film from the electrolyte so as to secure a gas channel from an internal space of the external casing to the gas release hole.

The most pertinent prior art has been presented. For example, Wakabe et al. (US 6,136,464) teaches a sealed battery comprising an electrode generator element, an external

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casing (109), a closure cap (108) including a gas release valve with a thin film cover, and a shielding member between the generator element and the thin film cover of the release valve. Two separate valves are taught. In one embodiment, the valve includes a thin film cover that is penetrated by a cutting device (see figures 4, 8, or 9 and col. 6, line 40 through col. 7). In this instance, the lead acts as the cover for vent hole formed between the terminals 104 and 105 of figure 9. The cutting device acts as a parallel barrier formed between the electrode assembly and the cover vent. Figure 4 shows packing located under the penetrating assembly. In the second embodiment of figures 14 A-D, an opening is formed in the cover plate of the battery, which is covered with a thin plate and a pressure plate. On the bottom of the opening is a packing material that serves as a barrier formed between the electrode assembly and the cover vent. The packing material is porous which allows for the gas to exit through the vent hole. These materials prevent the electrolyte from directly contacting the thin metal cover.

The reason that the Wakabe reference does not anticipate the instant claims is given on page 5 of the DECISION ON APPEAL, which indicates that the Wakabe reference does not show a closure cap component for sealing the opening in the battery casing. Based on this decision, the claims are allowed. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

Mark Ruthkosky
Primary Patent Examiner
Art Unit 1745

Mark Ruthkosky
8/31/2004